

**Recommendations for the United Nations Committee on the Rights of the Child
(UNCRC)
September Workshop on Children without Parents**

Presented by
International Advocates for Children (IAC)

Proposed Recommendations:

- 1) A clear definition of the best interest of the child**
- 2) A comprehensive global decision-making model**
- 3) A clear statement that keeping a child in an institution when a better option exists for the child is a human rights violation**
- 4) Create a model child welfare system**
- 5) Establish a new approach for the consideration of a child's placement options**
- 6) Amendments to the existing Convention on the Rights of the Child with clear definitions and clarification for implementation**
- 7) Establish a "measuring stick" for serving the best interest of the child**
- 8) Establish accountability and penalties for violations of a child's rights**

Children around the globe are separated from their biological parents for many varying reasons, but regardless of the reasons the needs of the child remain the same. While it is the ultimate goal to utilize intervention and other methods of prevention to keep a child with the biological parents, unfortunately these methods are not always successful. Thus decisions must be made in the best interest of the developing child.

It has been proven through medical and psychological studies that children do not develop properly outside of a nurturing "family" environment. As a matter of fact, many children separated from a nurturing environment begin to show signs of trauma within a few weeks of the separation. Therefore, based on the scientific and medical evidence available, the following recommendations and statements are geared toward a child's worst enemy, time. Time should always be a key consideration in the decision-making process for a child (even with intervention) due to the permanent psychological damage to the child during separation.

The UNCRC is currently the only global authority that has been given the awesome responsibility to protect the human rights of our planet's most vulnerable citizens, children. A giant leap forward was made with the creation of the Convention on the Rights of the Child in 1989 but many developments have occurred since that time. Technology and advanced communications tools have changed our world and provided tools that allow for the greatest efficiency and safety possible. We see the dramatic impact of these applied tools in fields that are considered "high priority" such as the

corporate and medical fields, but unfortunately, children in need of parents have not greatly benefited from these advancements. Why is that?

Children without parents do not rank high on the priority list for most governments around the world, especially those suffering from economic crisis. These children don't vote and they can't organize rallies to demand their human rights and speak out against the violations of their human rights. They don't have funding or resources to hire attorneys or representation so they are just pushed into the government system (if one exists) and the general population assumes that they are being "taken care of". Since there is no sole organization with the specific mission of oversight for these children and no clear comprehensive global policy that exists, governments are free to operate within the vague guidelines that do exist at a global level.

If you visit orphanages and look "behind the scenes" beyond the food, clothing, and shelter (which is modest at best in most struggling countries) then you can see the mental deprivation of these children. And yet, most have been "in the system" for months and years. Efficiency in finding the best option for permanency for these children, which is their greatest need, seems to take a backseat to a long list of other "adult" issues that must come first. That makes sense if you keep in context that adults can express their rights and make demands on the government and children cannot.

These explanations lead to the first practical solution to be considered, a clear definition of the best interest of the child. The "best interest of a child" must be redefined in words that can't be misinterpreted. The "best interest of the child" should be the "tool" to achieve the protection of a child's human rights. The vagueness and lack of clarity in the Convention on the Rights of the Child in key statements such as in article 18, "where parents cannot perform their parental responsibility, state bodies are under obligation to provide them with appropriate assistance." Governments can define the word "appropriate" in any manner with no accountability. Throughout the convention is the use of words such as "suitable" and "adequate". If achieving the best interest of the child is the primary consideration as stated in Article 3 of the Convention, then the intent of each word must be defined. Otherwise, governments hold the authority to make their solution "fit" the definition. If government solutions were always in the best interest of the child then the need for a global authority such as UNCRC would not exist.

In addition, best interest of the child must be defined clearly as a child's human right on equal ground with the rights of adults. It needs to be clearly stated that the best interest of the child is paramount in all decision-making and that the basis of decisions made in the best interest of the child are directly linked to scientific and medical studies and statistical outcomes. Decisions are made for children without parents daily on the basis of prejudice, nationality, culture, heritage, language, geography, etc. In order to deter personal biases of individual decision-makers and policy-makers, a foundation for decision-making must be established.

Thus, **practical solution two should be a comprehensive global decision-making model based on the scientific experts in the field decision science.** Decision science is

one of the tools applied in the last two decades to the corporate and medical field. Corporations around the globe use this expertise to make critical bottom line decisions and physicians use this science to make life and death decisions for medical patients. Decision science assigns critical values or weights to criteria that must be evaluated in making a best decision. The need for this science exists due to the limitation of the human mind to juggle no more than seven criteria at any one time.

If the goal is to make the best decisions possible for a child without parents, then many criteria should be considered. It is quite easy to make a list of forty or fifty criteria that should receive some consideration in the decision making process. However, due to the limited capacity of the human mind and factor in the prejudices and biases that exist in all human beings, most lifelong decisions made for these vulnerable children are based on no more than three or four criteria. For example, a child approved for adoption may have two families wanting to adopt. One family lives in the same country of origin but over 1000 miles away with limited income to provide for the child. The other family lives across the border in another country but only 50 miles from the child's region and this family has high income to provide more opportunity for the child. The typical decision from a government social worker would probably be to keep the child within the country of origin based on culture, language, nationality, etc. Is this the best decision for the child?

Decision science would apply values to all criteria (large and small) to weight each aspect for consideration in the decision making process. The values are based on expert studies, scientific and medical data, and statistical outcomes. The decision that is made then has a true "expert" basis that eliminates human prejudices and biases and as a side benefit eliminates the financial gain that is received by certain decision-makers in both domestic and intercountry adoption cases. The benefits of decision science can also be applied throughout the decision making process from the time that a child is separated from biological parents and enters the child welfare system. These same values can be applied to immediate decisions for the child such as temporary "foster" care versus institutional care. If the goal is to serve the child's best interest, then a sound basis must be established for all critical decisions that impact the natural psychological and physical development of the child. Please refer to Dr. Tom Whalen's recommendations from Georgia State University, USA, for more details on the application of decision science.

Recommendation three is to clearly state that keeping a child in an institution when a better option exists for the child is a human rights violation. All studies clearly indicate that the development of a child within an institutional setting is greatly impaired and, in most cases, the damage haunts the child for life. If these studies all agree, then as the global entity responsible for protecting the human rights of children the UNCRC should state this fact clearly and encourage other global organizations concerned with children (such as UNICEF) to do the same. Millions of children are separated from their biological families throughout the globe. We can either make the best decisions for them while they are children and have them become productive global citizens contributing to society, or make poor decisions for them and have them grow to be dependent on society, commit suicide, become prostitutes or drug addicts.

Recommendation four is to create a model child welfare system that can be emulated by governments, especially those struggling economically, but also those governments with “overgrown” systems that need to be overhauled such as the United States. This model would be based on the latest tools of technology and decision science, but beyond that would be based on the most current science from the fields of psychology, social work, medicine, law, and political science. This combined and diverse expertise applied to the latest technology would serve as the greatest tool that decision makers could possibly have to ensure the best outcomes for children without parents.

If the existing expertise from countries around the world was pooled to create a scientific panel focused on serving the best interest of the child, then the scientific analysis and outcomes that currently exist could be applied to a technology system created to focus solely on the best interest of children. By bringing together such diverse expertise, a model system would be truly comprehensive. A model system would also allow for intense analysis and a collection of outcomes that would benefit children in the decades to come.

Governments are struggling to build child welfare systems that are efficient, transparent, and accountable from all respects. Many have limited or no resources to continually invest in these systems and unfortunately, no manuals or true guidelines exist to follow. The result is inconsistency, inefficiency, and ultimately a failure to serve these vulnerable children in finding them a family. The current lack of accurate data and outcomes prevents oversight of failures within existing systems. By utilizing technology combined with expert decision science, complete analysis of failures, successes, trends can be provided to UNCRC or any appointed global authority over children without parents. It is imperative that global standards be established to ensure that children are being served throughout the globe.

Recommendation five is simply to establish a new approach for the consideration of a child’s options for placement. If the goal is to serve the true best interest of a child and time is critical, then ALL existing placement options must be considered simultaneously. Precious time for a child is lost due to options being considered independently of each other or certain options being preferred by a government over another.

For example, many sending countries for intercountry adoptions develop extreme measures to maintain a public perception that domestic adoption is preferred over intercountry adoption. Many develop “national registries” that force a child, regardless of the options available to the child, to be listed for a certain period of time on the registry before the child can be considered for intercountry adoption. This time period can vary from a few months to two years. It is understandable from an adult perspective that these registries would seem “the right thing to do” for the purpose of preserving nationality, heritage, culture, language, etc.

Ultimately, these issues have not been scientifically proven to have a major impact on a developing child, but strong scientific evidence shows that the length of separation from a family has a drastic impact on the severity of psychological trauma to the child. If governments could produce sound and validated statistics to show a significant increase in domestic adoptions due to the registries then there might be justification for the major time delays and thus impairment to a child. In the majority of cases, domestic adoptions do not increase or the increase is so slight that it does not justify the damage to the larger majority of children that do not get placed. The UNCRC Convention on the Rights of the Child is the founding global document created to protect the human rights of the world's vulnerable children.

Recommendation six is to clarify and clearly define the vague areas of the document based on scientifically proven facts that validate the irrevocable damage to a child when separated from “parents”. The Convention should stress the importance of timeliness and efficiency in the decision-making process. The amendments should provide implementation guidelines that clearly state the elements of an established child welfare system based on scientific expertise.

Recommendation seven requires the establishment of a “measuring stick” that can be used to determine whether the best interest of the child is being served. From a psychological perspective, one of the most effective measuring tools is to simply place a policy maker's biological or adoptive child into the “system”. When policy impacts a decision-maker's or policy-maker's own child or relative, then the direction becomes very clear. The officials and policy-makers that ultimately determine their fate (for better or worse) rarely see the children within the “system”. When there is no personal connection or direct accountability, the human mind tends to lose clarity. Therefore, if the measuring tool becomes questioning all child policy with a simple test question, “Would this policy serve my own child's psychological and physical needs should they bear the fate of entering the “system”?”. If policy can pass this litmus test then truly serving the best interest of the child is achievable.

Recommendation eight is the establishment of strict accountability and penalties for violations of a child's rights to a family. In this twenty-first century, there is a price to pay for almost all human rights violations around the globe. These come through official sanctions or other actions that reinforce a government's responsibility to adhere to established and agreed upon global treaties and conventions. But where children's rights are concerned, there is rarely any severe action and certainly no sanctions taken by the United Nations or any other official body to force governments to make a child's rights a priority. How can we sanction governments for violations of political freedom or violations of women's rights, etc. but we fail to impose penalties for violations against the most vulnerable of society? Severe sanctions should be imposed on governments that fail to serve the needs of children without parents.

In order to make certain that children and their right to a family are a priority for government, there must be strong penalties for violations. Without true accountability to a higher global authority, the current corruption and violations against a child's rights

will continue. If the above recommendations are implemented and a government's policies can be based on scientifically sound data and analysis, then the result is a system that deters corruption and financial gain from decision-making and there is a sound basis for accountability that has never existed.

Conclusion:

In this new age, it is time for a comprehensive system based not on emotions or prejudices, but on real science and valid data. These daily decisions that are made on behalf of children must be sound, accurate and without wrongful influence. The majority of children cannot be made to suffer for the benefit of a few. All children must be served to the best of our abilities with the advanced tools of the last decades and that requires action on the part of the UNCRC. The consideration of these recommendations and the opportunity to submit them is greatly appreciated.

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